

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

UNITED STATES OF AMERICA,	)	September 9, 2013
	)	
-versus-	)	Greenville, SC
	)	
GORDON L. HALL,	)	6:13-170-1
BENTON T. HALL,	)	6:13-170-2
Defendants.	)	

TRANSCRIPT OF PRETRIAL CONFERENCE

BEFORE THE HONORABLE J. MICHELLE CHILDS  
UNITED STATES DISTRICT JUDGE, presiding

A P P E A R A N C E S:

For the Government:	WILLIAM J. WATKINS, JR, AUSA US Attorney's Office 55 Beattie Place, Ste. 700 Greenville, SC 29601
For Defendant Gordon Hall:	BENJAMIN T. STEPP, ESQ. Federal Public Defender 75 Beattie Place, Ste. 950 Greenville, SC 29601
For Defendant Benton Hall:	JESSICA A. SALVINI, ESQ. Salvini and Bennett 101 W. Park Avenue Greenville, SC 29601
Court Reporter:	KAREN E. MARTIN, RMR, CRR 300 E. Washington Street Room 304 Greenville, SC 29601

The proceedings were taken by mechanical stenography and  
the transcript produced by computer.

Karen E. Martin, RMR, CRR  
US District Court  
District of South Carolina

1 Monday, September 9, 2013

2 (WHEREUPON, court was called to order at 10:01 a.m.)

3 MR. WATKINS: Your Honor, we're here for Case  
4 No. 6:13-170 for a pretrial conference in the case of  
5 United States of America vs. Gordon L. Hall and Benton T.  
6 Hall.

7 THE COURT: Thank you.

8 All right. And then at this time Mr. Hall is  
9 being represented by whom?

10 MR. GORDON HALL: Mr. Hall is represented here  
11 by the un-enfranchised individual trustee for Gordon Hall.

12 THE COURT: Okay. Right now I have Mr. Hall  
13 represented by counsel. Who is the counsel of record?

14 MR. STEPP: Ben Stepp appointed for Gordon Hall,  
15 Your Honor.

16 THE COURT: Okay.

17 MR. GORDON HALL: I conditionally accept that on  
18 proof of claim that staff was not terminated. And if this  
19 Court did not accept that therefore does not represent  
20 Gordon Hall.

21 THE COURT: Okay. At this time he's  
22 representing Gordon Hall until the Court deems otherwise.

23 MR. GORDON HALL: And I conditionally accept  
24 that under the previous stated terms and conditions.

25 THE COURT: Okay. Right now he is representing

1 you and then we will proceed.

2 Who is representing Mr. Benton Hall?

3 **MR. BENTON HALL:** I'm here today as the private  
4 un-enfranchised individual, the trustee for Defendant  
5 Benton T. Hall.

6 **THE COURT:** Are you Mr. Benton Hall?

7 **MR. BENTON HALL:** I conditionally accept that  
8 offer on proof of claim that --

9 **THE COURT:** You accept what offer?

10 **MR. BENTON HALL:** On proof of claim --

11 **THE COURT:** You accept what offer?

12 **MR. BENTON HALL:** -- that I'm here today as a  
13 private un-enfranchised individual and trustee for the  
14 Defendant Benton T. Hall. It is not my capacity.

15 **THE COURT:** Are you Mr. Benton Hall?

16 **MR. BENTON HALL:** I conditionally accept that on  
17 proof of claim I'm not here today as previously stated as  
18 trustee for the Defendant Benton T. Hall.

19 **THE COURT:** And, ma'am, you are Ms. Jessica  
20 Salvini?

21 **MS. SALVINI:** Yes, Your Honor. For the record  
22 I've been appointed to represent Mr. Benton Hall who is,  
23 for the record, present in the courtroom.

24 **THE COURT:** Okay. All right. As well as is  
25 Mr. Gordon Hall.

1           **MR. BENTON HALL:** And I conditionally accept  
2           that on proof of claim she's identified the accused party.  
3           And on proof of claim I have stated on -- stated what  
4           capacity I'm here today as. And that she hasn't been  
5           given notice of her termination that the Court's tasked  
6           acquiescence of that doesn't make that record the only  
7           record before this Court.

8           **THE COURT:** Okay.

9           Then, United States, let's talk about the  
10          pending charges against these gentlemen so that we can  
11          proceed with the pretrial conference.

12          **MR. WATKINS:** Your Honor, we're currently on a  
13          superseding indictment for Mr. Gordon and Benton Hall.  
14          Count 1, alleging a conspiracy to obstruct justice; Counts  
15          2 through 4, a wire fraud, a conspiracy; and finally, Your  
16          Honor, Counts 5 through 8 alleging that they violated  
17          USC -- 18 USC Section 514 by passing, uttering, filing  
18          with the Court fictitious obligations purporting to be  
19          obligations of the United States.

20          **THE COURT:** Thank you.

21          All right. At this time we are at a pretrial  
22          conference so my original comments are directed to  
23          counsel. It is my understanding that both Mr. Gordon Hall  
24          and Mr. Benton Hall have undergone psychiatric evaluations  
25          and that both evaluations have deemed them competent.

1 Have you all reviewed their respective evaluations?

2 MS. SALVINI: Yes, Your Honor. And that was the  
3 finding and Judge Austin did enter that as an order of the  
4 Court.

5 THE COURT: Okay. And as to Mr. --

6 MR. STEPP: Same thing, yes, ma'am, as to Gordon  
7 Hall. We've already had a hearing before the magistrate  
8 judge and she made a ruling on that -- uncontested, I  
9 might add.

10 MS. SALVINI: I agree, Your Honor. They -- both  
11 defendants did agree that they were competent.

12 THE COURT: Okay. And I am also aware that they  
13 have made various filings to the Court, essentially on  
14 their own behalf, and they've done so while they've been  
15 represented by counsel.

16 And on Friday this Court issued text orders  
17 responding to certain documents filed in ECF specifically  
18 informing Mr. Gordon Hall and Mr. Benton Hall that we  
19 don't have what you call hybrid representation; which  
20 means that once you are represented by counsel, you cannot  
21 also be representing yourself. And that the Court does  
22 not have to look to or discuss at all or even consider  
23 those documents because you can't have the Court  
24 responding to documents by a pro se party -- alleged pro  
25 se party and then someone who is also represented by

1 counsel. In fact, it is unethical for the Court to engage  
2 in correspondence or communications with someone who is  
3 represented by counsel. So I placed those orders in the  
4 file so that there would be no more filings by your  
5 clients, who they are your clients at this point in time  
6 until the Court deems otherwise in that regard.

7 Have you discussed those orders with your  
8 clients?

9 **MR. STEPP:** Your Honor, I provided a copy of ECF  
10 Filing No. 127 and I think it's -- excuse me, 126 and 129  
11 regarding Gordon Hall to my client. And I believe he's  
12 read them. I told him that they were here and I provided  
13 them to him. And he asked if he could look at them  
14 himself. And I would add, Judge, that he has from the --  
15 from -- from I guess before he got to South Carolina from  
16 Arizona, he had put the Court on notice that he did not  
17 wish to have court-appointed counsel.

18 **THE COURT:** And we want to address that  
19 momentarily.

20 **MR. STEPP:** Okay.

21 **THE COURT:** But right now they understand that  
22 until otherwise they are not to file any documents.

23 Do you understand that, Mr. Gordon Hall?

24 **MR. GORDON HALL:** Excuse me, Judge, for a  
25 moment. I conditionally accept the offers that -- you

1 know, I understand that you have put in a text or is that  
2 you, Judge, that has put in that text?

3 **THE COURT:** Yes.

4 **MR. GORDON HALL:** That text offer.

5 **THE COURT:** It's not an offer, it's an order.

6 **MR. GORDON HALL:** Excuse me, Judge, that text  
7 order. And I conditionally accept it has not been the  
8 private un-enfranchised individual trustee for Gordon Hall  
9 that's been filing those documents and that doesn't have a  
10 right do that, that it wouldn't be -- to deny those  
11 wouldn't be a denial of due process and equal protection  
12 under the law in light of the notice has been given --  
13 proper notice has been given to public defenders and the  
14 courts as to termination of said services. And the  
15 question I have, Judge, are you telling me I can't resolve  
16 this matter without an attorney receiving public benefits?

17 **THE COURT:** Right now you are represented by  
18 counsel. So you cannot file any documents other than  
19 through your counsel unless there is some claim against  
20 counsel. Right now I'm just talking about just general  
21 requests of the Court. Your counsel has to provide that  
22 to the Court. The Court can't respond to both you and  
23 your counsel.

24 I do recognize that you have some type of  
25 filings regarding your desire to terminate counsel. We're

1 going to deal with that today as well. But I just wanted  
2 to let you know that the Court saw various filings --  
3 extensive, voluminous filings by both you, Mr. Gordon  
4 Hall, and Mr. Benton Hall, and then put a text order in  
5 saying that we don't engage in hybrid representation,  
6 which means you can't file certain things and then allow  
7 your attorneys to file certain things. The Court can't be  
8 responding to both of you. It's unethical for me to  
9 communicate with you when you are represented by counsel,  
10 as it would be anyone to communicate with you when you are  
11 represented by counsel.

12 **MR. GORDON HALL:** That makes good sense, Judge,  
13 and that's why I conditionally accept it. If there's any  
14 representation on proof of claim that a proper notice  
15 wasn't given for termination and the fact that the Court  
16 understood and knew the intention of the private  
17 un-enfranchised individuals, trustees for those defendants  
18 and understood the situation that they were terminated and  
19 that the Court tacitly acquiesced as well as the attorneys  
20 tacitly acquiesced to said termination, Judge.

21 **THE COURT:** Okay. And the Court did not  
22 acquiesce to any termination. I haven't ruled on the  
23 termination. I just made you all aware that the filings  
24 have occurred and we will address that in due course of  
25 this proceeding.



1           **MR. GORDON HALL:** Without too much difficulty,  
2 Judge, whose case is this? Is this not the defendant's  
3 case?

4           **THE COURT:** It is the defendant's case.

5           **MR. GORDON HALL:** So the case -- the  
6 defendant -- does the defendant not have a right to  
7 terminate counsel?

8           **THE COURT:** We will discuss that. But what I'm  
9 saying right now is as long as you are represented by  
10 counsel, you have to allow your counsel to file  
11 appropriate papers that they believe are competent  
12 documents with this Court.

13           **MR. GORDON HALL:** That's assuming we had  
14 counsel. And let the record show that there was no  
15 counsel. Counsel was terminated. Nor can the Court  
16 compel -- are you suggesting you can compel me to contract  
17 without permitting the right of counteroffer?

18           **THE COURT:** We have not discussed your motion.  
19 Right now they are still your counsel. You still have  
20 counsel. We're going to discuss your motion in this  
21 proceeding in due course. Okay?

22           **MR. GORDON HALL:** And I understand that. I  
23 appreciate that, Judge. However, I didn't motion. I gave  
24 notice of termination as it relates to the -- for the  
25 defendant or myself.

1           **THE COURT:** But I -- there are still due process  
2 issues that I have to engage in to make sure that you are  
3 aware of being competent, that I believe that you have the  
4 ability to proceed on your own. There's a process that  
5 has to go forward in that regard before I could actually  
6 allow you to be your own counsel of record.

7           **MR. GORDON HALL:** Well, and I appreciate the  
8 opportunity. Proof of claim and competency by -- that my  
9 remedy doesn't constitute competency and therefore  
10 self-evident making the offer of counsel previously moot.  
11 And it wouldn't be a trespass on the said contract and a  
12 tortious interference with contractual relations.

13           **THE COURT:** Understood that that's your  
14 position.

15           Okay. All right. And then Mr. Benton Hall.

16           **MS. SALVINI:** Yes, Your Honor, I did provide him  
17 with a copy of the text orders that were given to me by  
18 the Court. And I did see him on Friday explaining what I  
19 believe that the Court's ruling was going to be. He -- I  
20 presume that he read them while we were waiting for Your  
21 Honor to come out.

22           **MR. BENTON HALL:** Let the record show I'm here  
23 today as previously stated as the private un-enfranchised  
24 individual, trustee for the Defendant Benton T. Hall. And  
25 I conditionally accept everything on proof of claim that I

1 haven't given notice to this Court of the termination of  
2 attorney. And that in light of the plaintiff's acceptance  
3 of the tender satisfying the plaintiff's claims in the  
4 instant case, I don't hereby affirm under penalty of  
5 perjury that I'm authorizing a plea and discharge for the  
6 defendant. And therefore making any more proceedings  
7 other than the plaintiff to show cause why they shouldn't  
8 be -- why they shouldn't be obligated to perform by the  
9 intentions made manifest with the record before this Court  
10 to hereby declare that these facts are true, correct, and  
11 complete.

12 **THE COURT:** Okay. And do you understand that we  
13 are here for criminal proceedings not civil proceedings?

14 **MR. BENTON HALL:** I conditionally accept that on  
15 proof of claim that the plaintiff's acceptance of the  
16 tender doesn't make that moot.

17 **THE COURT:** But you understand we are here on  
18 criminal proceedings, not civil proceedings, and that the  
19 alleged offenses that you are purporting to the Court go  
20 to civil claims? And there are no -- I'm not here on  
21 civil claims with respect to your matters.

22 **MR. BENTON HALL:** Are you suggesting that the  
23 plaintiff doesn't have the right to contract?

24 **THE COURT:** I'm not saying --

25 **MR. BENTON HALL:** They don't have the right to

1 change their minds, and that the record before this Court  
2 doesn't show a satisfaction of their claims in the instant  
3 case?

4 **THE COURT:** There is no satisfaction of claim.  
5 You have pending indictments against you that indicate  
6 specific criminal offenses that have been heretofore  
7 stated by Mr. Bill Watkins, an Assistant US Attorney. He  
8 just acknowledged to the Court what the pending  
9 indictments are that they will proceed against you in  
10 terms of criminal court.

11 **MR. BENTON HALL:** Are you telling me there is an  
12 unresolved charging or accusatory instrument in this  
13 matter?

14 **THE COURT:** There is no instrument. It is an  
15 indictment. It is the formal written charge that brings  
16 this claim to court. Your claims have gone before a grand  
17 jury and it is the formal process by which we will proceed  
18 in this matter.

19 **MR. BENTON HALL:** I conditionally accept all of  
20 that on proof of claim that the plaintiff performing their  
21 obligations with respect to the contract before this Court  
22 doesn't make that moot. And that they aren't -- they  
23 don't have the right to contract. That I'm not here today  
24 to resolve any other unresolved charging or accusatory  
25 instruments for my inspection and execution so that this

1 Court may have remedy so as to save valuable public  
2 resources.

3 **THE COURT:** Okay. And then right now we are at  
4 a pretrial conference in which they -- the Government has  
5 let you know what the formal charges are against you. At  
6 this pretrial conference, I need to know whether you  
7 intend to plead guilty or plead not guilty and go to a  
8 trial.

9 **MR. BENTON HALL:** Well, Your Honor, I'll  
10 authorize a plea of guilty to the well-pled facts so long  
11 as there's no jail time, no supervised release, all fines  
12 and penalties are adjusted in accordance with the tender,  
13 and there's no prejudice to any of the rights, titles, or  
14 interests of the defendant.

15 **THE COURT:** Okay. Let me tell you how it works  
16 in criminal court. If you enter into a plea of guilty, it  
17 is because you are deeming yourself guilty of the facts  
18 that are in the indictment as well as any factual basis  
19 that supports the indictment. Sentencing, however, is  
20 left up to the Court. I could not tell you that your  
21 sentence would be as you have relayed, no jail time, no  
22 supervised release, or any of these other methods.

23 I will not know that until we get a Presentence  
24 Investigation Report in which the probation department  
25 would interview yourself, interview any appropriate family

1 members, interview co-defendants, determine what your  
2 criminal history is and then come up with a sentencing  
3 guideline calculation which would then give me a potential  
4 recommendation for sentencing. So I don't know what that  
5 recommendation will be. This is not the time for the  
6 actual sentencing.

7 You have the ability to enter into a plea  
8 agreement with the Government which shall lay out certain  
9 factors and agreements between you and the Government.  
10 But sentencing is entirely left up to the Court. The  
11 presentence investigation document serves as a guideline  
12 or recommendation to the Court giving me all of your  
13 history and factors that I should consider. But  
14 sentencing is ultimately left up to the Court, not the  
15 parties.

16 **MR. BENTON HALL:** Well, Your Honor --

17 **MS. SALVINI:** Your Honor, I'm sorry, I'm going  
18 to have to interrupt Mr. Hall for just a moment. I do  
19 want to state for the record that after meeting with  
20 Mr. Benton Hall on Friday afternoon, I did speak to  
21 Mr. Watkins. And so I want to state for the record that a  
22 plea offer has been made to Mr. Benton Hall since he is  
23 indicating that he desires to plead guilty with  
24 conditions. But for him to consider if he pleads guilty  
25 to Count 1, which carries zero to five years and does

1 require supervised release, the United States Attorney  
2 would be willing to cap his sentence at five years.

3 That doesn't necessarily mean, Mr. Hall, that  
4 you would receive five years. But the offer is to plead  
5 guilty to Count 1, the obstruction charge, which would  
6 carry zero to five and would require some supervised  
7 release.

8 But I'm stating that for the record just so that  
9 I meet my ethical obligation of relaying the plea offer.

10 **MR. BENTON HALL:** Your Honor, I don't deny nor  
11 affirm any of the allegations in the charges the plaintiff  
12 has brought forth. I merely accept them for what they  
13 are.

14 And let the record show that I've authorized a  
15 plea and discharge to be in accordance with the tender  
16 that satisfies the plaintiff's claims, including this  
17 superseding indictment that they're stating herein. And  
18 any further proceedings won't be merely for the purpose  
19 for the plaintiff to show cause why their acceptance of  
20 the tender doesn't -- and their -- their refusal -- their  
21 failing to fulfill their obligations thereto doesn't  
22 constitute default and bad faith.

23 **THE COURT:** Okay.

24 One moment, Mr. Gordon Hall. Please sit down.  
25 Let me finish with Mr. Benton Hall.

1           You have been relayed an offer by the Government  
2       with respect to your counsel. So is it your intention at  
3       this time to further discuss this offer with your counsel,  
4       Ms. Jessica Salvini?

5           **MR. BENTON HALL:** I conditionally accept that,  
6       Your Honor, on proof of claim they haven't been -- that  
7       Ms. Salvini hasn't been given notice of termination. And  
8       that anything the plaintiffs would like to discuss about  
9       the matters re -- matters regarding the Defendant Benton  
10      T. Hall, that they can't come to me privately.

11           **THE COURT:** My question to you is do you intend  
12      to retain her as counsel while you discuss this plea  
13      agreement?

14           **MR. BENTON HALL:** I conditionally accept that on  
15      proof of claim she hasn't been given notice of her  
16      termination.

17           **THE COURT:** Okay. So my understanding from his  
18      comments are that Ms. Salvini shall remain as counsel for  
19      Mr. Benton Hall to discuss further the plea offer in this  
20      regard. So he is indicating right now that he potentially  
21      intends to enter a plea of guilty.

22           **MR. BENTON HALL:** Excuse me.

23           **THE COURT:** Yes?

24           **MR. BENTON HALL:** Excuse me. I'm -- your  
25      question was whether I'm intending to do what with the



1 attorney again? My apologies. Could you repeat that?

2 **THE COURT:** To have her remain as your counsel  
3 while you all discuss potential -- this plea agreement and  
4 your potentially entering into this plea agreement.

5 **MR. BENTON HALL:** Well, as to remain the  
6 defendant's counsel, no, that is -- that is not my  
7 intention.

8 **THE COURT:** Okay. All right. So then we will  
9 discuss that. So at this point do you not intend to plead  
10 guilty? Is that what I'm hearing?

11 **MR. BENTON HALL:** Well, I'll authorize the plea  
12 of guilty to the well-pled facts so long as it's in  
13 accordance with the tender and there's no jail time, no  
14 supervised release, all fines and penalties are adjusted  
15 in accordance with the tender, and there's no prejudice to  
16 any of the rights, titles, or interests of the defendant.  
17 Otherwise, I'm authorizing a plea and discharge for the  
18 plaintiff's acceptance of the tender and their fulfillment  
19 of the obligations thereto.

20 **THE COURT:** Do you intend to continue with the  
21 services of Ms. Jessica Salvini as you try to negotiate  
22 this plea agreement with the Government?

23 **MR. BENTON HALL:** As she -- as she -- my  
24 intentions are to resolve this between me and the  
25 Government privately.

1           **THE COURT:** Okay. All right. Thank you. So  
2           that means you would like the Court to consider you being  
3           able to represent yourself.

4           **MR. BENTON HALL:** I conditionally accept that on  
5           proof of claim I'm not the private un-enfranchised  
6           individual and trustee for the defendant.

7           **THE COURT:** Okay.

8           And as to Mr. Gordon Hall, today is your  
9           pretrial hearing. Did you intend to plead guilty or not  
10          guilty or go to trial?

11          **MR. GORDON HALL:** I'm authorizing entry of plea  
12          and discharge. And I state and affirm under penalty of  
13          perjury that the defendant has previously satisfied and  
14          discharged the plaintiff's claim in accordance with  
15          plaintiff's acceptance of the tender which has been  
16          accepted and not returned, good consideration -- a  
17          question, Judge, without troubling you much?

18          Pretrial, is it not an informal meeting at which  
19          opposing parties confer, usually with the judge, to  
20          work -- to work toward disposition of the case by  
21          discussing matters of evidence and narrowing the issues  
22          that are to be tried?

23          **THE COURT:** The parties would generally work  
24          with each other. The judge, unless necessary, does not  
25          get involved in those discussions.

1           **MR. GORDON HALL:** Correct. So I understand  
2 we're here for a pretrial conference. That's Black's  
3 definition verbatim. So on that basis, I'd like to work  
4 with -- work -- or confer with the plaintiff so that we  
5 can work toward disposition of this case by discussing  
6 matters of evidence and narrowing the issues.

7           **THE COURT:** Okay. At this time you're  
8 represented by Mr. Ben Stepp, who would be a party to  
9 those conversations. Is it your intention to continue  
10 that representation with Mr. Stepp while you attempt to  
11 work out any arrangement with the Government?

12           **MR. GORDON HALL:** Mr. Stepp is, I'm sure, a very  
13 competent attorney. As he's accepted and been noticed as  
14 to termination, and this Court was given it, he's not  
15 currently now attorney for the defendant or myself. And  
16 so to continue is perhaps a misnomer. But do I want to  
17 reconsider allowing him as a public defender on behalf of  
18 the defendant? And the answer's at this time I don't feel  
19 the need to. So he has not been representing the  
20 defendant nor myself. And therefore I've come here today  
21 for a pretrial conference with the plaintiff.

22           I didn't ask the attorneys to re-engage since  
23 their termination back several months ago and even before.  
24 And therefore, you know, we've come here for a pretrial  
25 conference. I accept that offer. I would like to meet

1 with the plaintiff to discuss in accordance thereto what a  
2 pretrial conference is for.

3 **THE COURT:** Okay. Right now you're represented  
4 by counsel. You've both indicated that you no longer wish  
5 to be represented by counsel. The Court has to engage in  
6 a formal process, which means that I would place you under  
7 oath, ask you certain questions, and make sure that I am  
8 okay with your ability to proceed in your own defense,  
9 make sure that you are aware of your rights in that  
10 regard. So I will set this for a separate proceeding to  
11 deal with those particular issues.

12 **MR. GORDON HALL:** I do appreciate that offer,  
13 Judge. You're very kind. However, this being, as you  
14 termed, my case, they have been terminated. And I  
15 conditionally accept any offer to -- on competency on  
16 proof of claim that the remedy that's been provided and  
17 accepted by the plaintiff doesn't constitute competency.

18 Can you tell me that they're not required to  
19 fulfill their obligations of contract having -- having  
20 accepted the tender? Are you suggesting that they're not  
21 obligated --

22 **THE COURT:** I'm not suggesting anything. I'm  
23 not suggesting anything.

24 **MR. GORDON HALL:** Okay.

25 **THE COURT:** And right now we're dealing with the

1 process about whether or not these two competent lawyers  
2 would remain as your counsel. You've indicated that you  
3 desire for them not to. Is there any reason related to  
4 them being somehow ineffective, somehow not communicating  
5 with you, is there any reason in that regard or do you  
6 just independently desire to represent yourself?

7 **MR. GORDON HALL:** Well, again, they were  
8 terminated. So my opinion is -- not just my opinion, is  
9 there any record in opposition to that termination? So  
10 let the record show they were terminated many months ago.  
11 They're not currently attorneys for --

12 **THE COURT:** But the Court still has a process by  
13 which it will determine whether or not it will let you  
14 proceed on your own. I have to go through that process.

15 **MR. GORDON HALL:** Well, then, I think I  
16 conditionally accept that offer, again, under the  
17 previously stated terms and conditions.

18 **THE COURT:** Okay. But you didn't answer my  
19 original question. Your desire to terminate Mr. Stepp,  
20 does that have anything to do with him not being a  
21 competent attorney, or failure to communicate with you, or  
22 being ineffective in some regard? Or are you just  
23 desiring to represent yourself?

24 **MR. GORDON HALL:** Well, I don't think being  
25 before the public I conditionally accept the offer to

1 represent myself or the defendant --

2 **THE COURT:** So is your answer no, that  
3 there's -- you don't have any problems with Mr. Stepp, you  
4 just instead desire to represent yourself?

5 **MR. GORDON HALL:** My problem is -- excuse me,  
6 Judge. Allow me a moment here. My problem is that  
7 Mr. Stepp was terminated long before.

8 **THE COURT:** So you didn't -- you terminated him.  
9 But did you terminate him for any particular reason other  
10 than your desire to represent yourself?

11 **MR. GORDON HALL:** Well, not represent myself.  
12 But if -- if -- I -- I -- was he not terminated -- I  
13 terminated Mr. Stepp because I have the right to resolve  
14 the matter. Do I not?

15 **THE COURT:** Okay. That's fine. I just want to  
16 know why. In other words, you're terminating him not for  
17 any particular reason as to any dilatory actions or any  
18 bad faith or anything that he's done. It is just,  
19 instead, it appears to me, your desire to represent  
20 yourself. Is that correct?

21 **MR. GORDON HALL:** Your position -- your comments  
22 about Mr. Stepp's competency, as far as I'm concerned  
23 Mr. Stepp is probably an extremely competent attorney,  
24 probably very efficient. I've not had the benefit of any  
25 of his services, so I couldn't tell you. But from what

1 I've heard, he's quite an excellent attorney. I have no  
2 problem with him going out and representing whomever he  
3 would like.

4 **THE COURT:** Okay. So you have no complaints  
5 against Mr. Stepp; is that correct?

6 **MR. GORDON HALL:** I have no complaints against  
7 Mr. Stepp.

8 **THE COURT:** Okay.

9 **MR. GORDON HALL:** Other than if he's going to --  
10 if he's representing either myself or the defendant in  
11 this case, then I would have a concern as to his tortious  
12 interference with contractual relations between myself and  
13 the plaintiff. And --

14 **THE COURT:** You said if he were to represent  
15 you. But no complaints at this moment in time against  
16 Mr. Stepp; is that correct?

17 **MR. GORDON HALL:** If he's been assuming that  
18 he's on this case, then I would have a concern as to his  
19 tortious -- I would consider that a tortious interference  
20 with contractual relations --

21 **THE COURT:** And let me interject here.  
22 Mr. Stepp remains on the case until the Court can  
23 effectively terminate him, me terminate him myself.

24 **MR. GORDON HALL:** Well, the Court has terminated  
25 him.

1           **THE COURT:** I have not terminated him. This is  
2 what this proceeding is about. Up until this date, they  
3 showed up in court because they still represent you.

4           **MR. GORDON HALL:** Is this proceeding -- excuse  
5 me, Judge.

6           **THE COURT:** This proceeding is a pretrial  
7 proceeding, but it also is dealing with pending motions.  
8 And so one of your pending motions is whether or not you  
9 wish -- your desire to terminate counsel. So he is still  
10 here representing you today until I terminate him.

11           **MR. GORDON HALL:** I conditionally accept that on  
12 proof of claim that that's not a motion before the Court.  
13 That's a notice to the Court that he has been terminated.

14           **THE COURT:** The Court will still engage in the  
15 formal proceeding that I indicated to you earlier about  
16 your ability to represent yourself. And you've indicated  
17 to me that you desire to represent yourself. You no  
18 longer wish Mr. Stepp to be your counsel. And I just  
19 wanted to make sure you have no complaints against  
20 Mr. Stepp. And I haven't heard any.

21           **MR. GORDON HALL:** Well, you -- you -- you --  
22 I -- I -- if you're saying that he's still on the case and  
23 he considers himself on the case in light of the  
24 termination notice that he has received, then in that case  
25 I would have a complaint for tortious interference with



1 prospective -- um -- prospective contractual relations.

2 THE COURT: What proof of any of that do you  
3 have?

4 MR. GORDON HALL: Is there any record in  
5 opposition to that notice of termination? But, excuse me,  
6 Judge, perhaps this is all moot in light of the tender, in  
7 light of my -- the plaintiff's acceptance of my tender,  
8 which has satisfied and discharged the plaintiff's claims  
9 in Case No. 6:13-00170 and doesn't make all of this moot.

10 THE COURT: Okay. All right. I'm hearing no  
11 complaints against Mr. Stepp. And so now the next process  
12 will be when I set a formal hearing to determine your  
13 ability to represent yourself.

14 MR. GORDON HALL: Excuse me?

15 THE COURT: Yes.

16 MR. GORDON HALL: Again, if Mr. Stepp has  
17 considered himself as still being on this case in light of  
18 the termination, I conditionally accept that on proof of  
19 claim that that's not a tortious interference, wouldn't  
20 constitute a complaint where I wanted to complain.

21 However, in light of the plaintiff's acceptance  
22 of the tender which has satisfied and discharged the  
23 plaintiff's claim in this instant matter, doesn't it make  
24 all of that moot, whether I'm going to represent myself,  
25 whether that -- and again, I'm here --

1           **THE COURT:** We're not here on the substantive  
2 matters of your case right at this moment. We're here  
3 about whether you wish to plead guilty or not and not on  
4 your particular defenses.

5           **MR. GORDON HALL:** And I --

6           **THE COURT:** And then we're also here on whether  
7 or not you wish to retain Mr. Stepp. You've indicated you  
8 do not. So the Court will give you a date for a formal  
9 hearing in that matter so that I can advise you of your  
10 rights at that time.

11           **MR. GORDON HALL:** Well, I conditionally accept  
12 that isn't all moot based on the tender that's been  
13 accepted that this matter has been resolved.

14           **THE COURT:** The matter has not been resolved,  
15 because you have not pled guilty nor have you indicated  
16 that you -- your innocence and desire to go to trial. So  
17 the matter has not been resolved. I have a pending  
18 indictment with this court.

19           **MR. GORDON HALL:** And I conditionally accept  
20 that on proof of claim that I haven't put in and  
21 authorized an entry of a plea and discharge. And under --  
22 under -- what do you call it? Under penalty of perjury,  
23 stated that the defendant has previously satisfied and  
24 discharged the plaintiff's claims in this instant case.

25           **THE COURT:** I understand that that's the

1 allegation or defense that you'd like to assert. So I've  
2 heard your position, respectfully.

3 All right. Then as to Mr. Benton Hall, with  
4 respect to Ms. Jessica Salvini, do you have any complaints  
5 against Ms. Salvini? I understand that you want to  
6 dismiss her as your attorney. But do you have complaints  
7 against her?

8 **MR. BENTON HALL:** Well, Your Honor, again, I  
9 conditionally accept on proof of the private  
10 un-enfranchised individual trustee for the defendant,  
11 Benton T. Hall, and as of this time I don't have any  
12 complaints against her.

13 **THE COURT:** Okay. Thank you very much. So I am  
14 going to set a separate hearing date to go over your  
15 rights to proceed in your own representation and to make  
16 sure that you understand those particular rights.

17 **MR. BENTON HALL:** And I conditionally accept  
18 that on proof of claim any future hearings won't be --  
19 won't be for me to appear in the capacity as a private  
20 un-enfranchised individual trustee for the defendant,  
21 Benton T. Hall, to resolve any matters before this Court.  
22 And that any future hearings wouldn't be merely for the  
23 purpose of the plaintiff to appear and show cause why  
24 their acceptance of the tender and obligations thereto  
25 that have been made and their intentions made manifest

1 before the record of this Court won't be merely for that  
2 purpose.

3 **THE COURT:** Okay. At this time --

4 **MR. GORDON HALL:** Excuse me, Judge. Forgive me  
5 for interrupting. And I conditionally accept your offer  
6 for future hearings on proof of claim that the tender --

7 **THE COURT:** Let me understand -- let me make  
8 sure you understand. I am making no offers to you. What  
9 I am stating in this court is what the next hearing date  
10 will be, and that you'll be ordered to appear in your  
11 capacity as the defendants represented on the particular  
12 indictment.

13 I don't have these other persons in other  
14 capacities on any indictment before the Court. So there's  
15 no jurisdiction over whoever you deem these other persons  
16 to be. I have Gordon Hall and Benton Hall, and those are  
17 the defendants who will appear in this court.

18 Now, Mr. Watkins --

19 I heard from you, sir.

20 Now, Mr. Watkins.

21 **MR. WATKINS:** Ma'am.

22 **THE COURT:** You've heard now that both  
23 defendants indicate that they wish to dismiss their  
24 counsel. So at this time the pretrial hearing itself  
25 would not go forward.

1           It's the Court's suggestion that we enter into a  
2       separate hearing date to inform them of their rights and  
3       their ability to proceed in their own regard and then  
4       whether or not the Court would also attempt to order  
5       shadow counsel for purposes of a potential trial in this  
6       case. But I'd also like to go ahead and discuss the  
7       potential trial date today.

8           **MR. WATKINS:** Yes, ma'am.

9           **THE COURT:** Because at least right now I do not  
10      have them indicating that they wish to plead guilty.  
11      There is some indication that they intend to continue to  
12      negotiate, but they're not pleading guilty today.

13          **MR. WATKINS:** Yes, ma'am.

14          **THE COURT:** Is there anything else in light of  
15      all the conversation that we've had with the gentlemen  
16      today that you'd like to add to the record in terms of any  
17      response to any of their comments?

18          **MR. WATKINS:** No, ma'am. I'm agreeable with the  
19      Court's suggestion that we set a Faretta hearing since I  
20      think all indications are they desire to represent  
21      themselves and do not desire to plead guilty to the  
22      indictment. And we should do that as well as look at  
23      trial dates, Your Honor. I agree with you.

24          **THE COURT:** Okay. Now, they continually  
25      represent that they've made some type of offer to you that

1 you have defaulted upon. And if you can bring the Court  
2 up to speed in that regard.

3 **MR. WATKINS:** Yes, ma'am. Benton Hall and  
4 Gordon Hall, as Your Honor's seen by the docket, have  
5 submitted numerous filings. From the Government's  
6 understanding of these filings, it is their belief that  
7 rather than the Federal Rules of Criminal Procedure, case  
8 law as interpreted by the courts, and the statutes at  
9 issue listed in the indictment, that they believe some  
10 general principles of a Uniform Commercial Code applies.  
11 And that if they serve me with a document, and frankly,  
12 fictitious bonds or money orders as the Government's  
13 brought counts against them for doing that in other cases,  
14 that if I don't respond to them as some sort of merchant  
15 in the trade, that I have accepted that offer and they're  
16 to be set at liberty.

17 As the Government has indicated in its previous  
18 filings with this Court citing case law, this redemption  
19 theory, this commerce theory has been rejected by numerous  
20 courts where sovereign citizens, such as the Halls, have  
21 raised it. I've not entered into any kind of contract  
22 with them. Your Honor, if we were to enter into a plea  
23 agreement, it would have to be according to Rule 11 of the  
24 Federal Rules of Criminal Procedure and, you know,  
25 certainly no Uniform Commercial Code.

Karen E. Martin, RMR, CRR  
US District Court  
District of South Carolina

1           So this tender that they keep talking about is  
2           essentially these documents, these set-off bonds that  
3           they've sent to the Court. And they claim by the fact  
4           that I've not responded within whatever allotted period of  
5           time they think I should have, that I've accepted them,  
6           and that you should dismiss the case. Because in their  
7           view, all law is contract law and they don't recognize a  
8           distinction between civil and criminal proceedings.

9           Of course, the Government disagrees with that.  
10          And as Your Honor indicated in the text order, I've not  
11          seen any valid support for such arguments because,  
12          frankly, none exist.

13               **THE COURT:** Okay.

14          And, Madam Clerk, if you wouldn't mind, I want  
15          you to pull up the text order that I issued with respect  
16          to the various filings and the allegations. And I just  
17          want to state that on the record again.

18          And I just would like Mr. Gordon Hall and  
19          Mr. Benton Hall to stand. I want to remind you --  
20          gentlemen, if you would please stand.

21               **MR. BENTON HALL:** I conditionally accept on  
22          proof of statute --

23               **THE COURT:** There is nothing to accept.

24               **MR. GORDON HALL:** As previously stated --

25               **THE COURT:** Okay. All right. I want to remind

1 you that we discussed earlier in this hearing about that  
2 there is no constitutional right to hybrid representation.  
3 And therefore, in the text order we stated that the  
4 district court is not obligated to consider pro se motions  
5 by represented litigants. And you are currently, until  
6 this moment, represented by Ms. Salvini and Mr. Stepp.

7 **MR. GORDON HALL:** I conditionally --

8 **THE COURT:** We issued a separate text order in  
9 which we acknowledge that you had numerous filings along  
10 the lines of those discussed by Mr. Watkins. And that in  
11 that particular text order --

12 I'm sorry, Madam Clerk, it's a different -- oh,  
13 I'm sorry, you got it.

14 In that particular text order we specifically  
15 indicated that we are aware of all these various filings  
16 containing assertions that the criminal action or these  
17 indictments that are pending against you should be  
18 dismissed because the United States has accepted an offer  
19 of real and personal property from you. And we also  
20 indicated that it appears that you believe that you have  
21 reasons for dismissal and that those are meritorious  
22 reasons.

23 But we also informed you that we are unaware of  
24 any legal support for your assertions. Because again, at  
25 the beginning of the proceedings, I indicated that there



1 is a distinction between a civil matter and a criminal  
2 matter. The asserted allegations or defenses you're  
3 attempting to assert apply in a civil matter. And you  
4 have pending criminal indictments against you.

5 So the Government's failure to respond does not  
6 necessarily indicate any particular default on their  
7 behalf. They are not responding because it's not  
8 something that is related to a criminal defense or  
9 something that they can acknowledge as a criminal defense  
10 in this matter.

11 And I understand that you are -- were proceeding  
12 as your own -- in your mind representing yourselves  
13 although you have been represented by counsel. But the  
14 Court has informed you that those particular alleged legal  
15 assertions or defenses to these allegations in the  
16 indictments against you, we have also not been aware of  
17 any particular legal authority that supports that you can  
18 defend yourself in that manner because these are  
19 assertions that apply to a civil court. And this is not  
20 civil court. This is a criminal court with pending  
21 criminal indictments against you.

22 So I just want you to make sure that you  
23 understand that that's the Government's response and that  
24 the Court has also responded in that regard so that you do  
25 not continue with these types of filings in that regard.

Karen E. Martin, RMR, CRR  
US District Court  
District of South Carolina

1           **MR. GORDON HALL:** I conditionally accept that  
2 offer reiterating all of the previous conditional  
3 acceptances because you brought up so many issues here in  
4 this last discussion here for the last minute or two that  
5 you've been going on without me being able to remember  
6 each and every one of them and deal with them. I  
7 reiterate again the previous stated conditional  
8 acceptances to each one of those issues that you brought  
9 up as well as, again, that this Court or any state or any  
10 body can pass any law impairing the obligation of contract  
11 as protected by -- as guaranteed and protected by the  
12 United States Constitution. And that the plaintiff  
13 hasn't -- has not and in fact has entered into a contract  
14 wherein they have accepted a tender --

15           **THE COURT:** And what is the tender you're  
16 referring to?

17           **MR. GORDON HALL:** Exactly -- is it not what you  
18 have read in there? Did they not accept real and personal  
19 property? And therefore, are they not obligated under  
20 contracts to discharge or fulfill their obligations of  
21 contract? Unless you're --

22           **THE COURT:** What are you considering the  
23 obligations of contract?

24           **MR. GORDON HALL:** Is it not in the record,  
25 Judge?

1           **THE COURT:** Okay.

2           **MR. GORDON HALL:** Is the record not clear that,  
3           number one, that they have accepted the tender, which has  
4           satisfied and agreed thereby that it has satisfied and  
5           discharged plaintiff's claim in the instant case --

6           **THE COURT:** And let me just ask you,  
7           Mr. Watkins, have they forfeited property?

8           **MR. WATKINS:** Your Honor, they've not cooperated  
9           at all. We've seized property when we executed a search  
10          and seizure warrant. But no, they've not cooperated at  
11          all in these proceedings.

12          **THE COURT:** Okay. I was just trying to get a  
13          sense of what they're referring to.

14          **MR. GORDON HALL:** I think you asked a question,  
15          whether they -- whether we had tendered property. Is the  
16          plaintiff's position that he's denying having received  
17          quitclaim deeds to property as well as real and personal?  
18          Is he denying that? Plaintiff? Are you denying that you  
19          have received quitclaim deeds?

20          **THE COURT:** He doesn't have to respond in that  
21          regard. Okay. I just wanted to understand what the claim  
22          is about. That's okay. All right. So now --

23          **MR. GORDON HALL:** Tender was made and accepted  
24          and therefore a contract is formed. And we have a  
25          situation here and I conditionally accept that the

1 situation isn't that by acceptance has not created a  
2 binding contract. And that the plaintiff is not obligated  
3 to fulfill its obligations of contract thereto and respect  
4 to said tender.

5 **THE COURT:** Okay. All right. At this  
6 proceeding, obviously, you're represented by counsel. But  
7 then you've given us notice that you no longer intend to  
8 be represented by counsel. You indicated there's no  
9 complaints against counsel. I'm going to go ahead and set  
10 your next hearing date so that we can discuss your ability  
11 to represent yourself.

12 **MR. GORDON HALL:** Judge, please don't  
13 misrepresent that we've accepted that they've represented  
14 either us or the defendants up to this point. Our  
15 position has been in accordance with the record before the  
16 Court.

17 **THE COURT:** But you were appointed counsel? Is  
18 that correct? You were appointed counsel by the Court?

19 **MR. GORDON HALL:** The -- the record is clear  
20 that the counsel that you're referring to was terminated  
21 long before today.

22 **THE COURT:** Okay. But my question to you is  
23 that you were appointed counsel by the Court?

24 **MR. GORDON HALL:** The defendant at one point in  
25 time may have been appointed counsel by the Court, but it

1 was immediately terminated so that they --

2 **THE COURT:** I understand. But the point I  
3 make -- you were appointed counsel by the Court so they  
4 were just fulfilling their duties and obligations with  
5 respect to the appointment.

6 **MR. GORDON HALL:** The defendant may have been  
7 appointed counsel months ago. And simultaneously a  
8 termination notice was put in so that there would be --

9 **THE COURT:** But my question is only whether or  
10 not you were appointed counsel.

11 So they were appointed and they were fulfilling  
12 their duties and obligations to this point. I find that  
13 there are no complaints with respect to their  
14 representation.

15 **MR. GORDON HALL:** Well, not up to this point --

16 **THE COURT:** Now let's proceed on.

17 **MR. GORDON HALL:** -- and at the other previous,  
18 but go ahead, Judge.

19 **THE COURT:** Let's proceed on. The next hearing  
20 date, Madam Clerk, for the Faretta hearing in which these  
21 defendants will be advised of their rights and I will  
22 place them under oath to ask them certain questions. And  
23 then also make a determination as to whether or not you  
24 will be able to proceed in representing yourself and/or  
25 whether or not I will have standby counsel for you.

1           And to the extent that you do not have any  
2       further complaints against these particular counsel, it is  
3       possible that if I allow you to proceed on your own, that  
4       I would still potentially appoint them as standby counsel,  
5       which means that they would still sit at counsel table.  
6       And to the extent that there is any question that you  
7       might want to ask them about procedure or various things  
8       going on in or around the court or any questions about  
9       various things, they would still be there and available to  
10      answer your questions, although you would still be allowed  
11      to represent yourself if that's the Court's finding at  
12      that time.

13           **MR. GORDON HALL:** That's a very kind offer,  
14      Judge, to offer standby counsel. However, are you telling  
15      me now that I cannot resolve this matter without an  
16      attorney receiving public benefit? Yes or no.

17           **THE COURT:** At this point in time, I will need  
18      to advise you of your right to proceed on your own. And  
19      then I'll make the determination.

20           Let me hear from counsel. Right now, they do  
21      not intend to have you continue to represent them. So I'm  
22      going to -- do you see any reason why I could not  
23      terminate you at this point?

24           **MS. SALVINI:** The only issue that I have, Your  
25      Honor, is that I've been provided a banker's size box of

1 documents. And I've provided several CDs that would  
2 require a laptop to be able to have Mr. Hall -- Benton  
3 Hall hear the tape-recorded calls the Government has  
4 provided as well as to review the documents. So at this  
5 point, I'm happy to remain on as standby counsel. I'm  
6 happy to assist in making sure that Mr. Benton Hall can  
7 review these items and make arrangements to be there in  
8 the jail for him to take a look at them.

9           The only issue that I see with Mr. Benton Hall  
10 not having counsel, despite his objection, is his  
11 misunderstanding about what laws apply in this type of  
12 court setting. So, for example, Mr. Gordon Hall is  
13 reciting to the Court Black's Law Dictionary or something  
14 he's read about pretrial conferences in civil court where  
15 the parties confer and sometimes informally with the  
16 judge, versus what happens in a criminal court at a  
17 pretrial conference dealing with motions and scheduling  
18 and setting schedules for a jury selection and motions in  
19 limine and those sorts of things. I don't think that  
20 Mr. Benton Hall understands evidentiary issues or the fact  
21 this is a criminal court, nor does he really understand or  
22 care to want to listen to me about the elements the  
23 Government has to prove with respect to each charge, what  
24 their burden is, and therefore how to defend against it.

25           So those are my only concerns with that regard.

Karen E. Martin, RMR, CRR  
US District Court  
District of South Carolina

1 The discovery, how that's handled, and whether or not  
2 Mr. Benton Hall understands the elements the Government's  
3 going to have to prove at trial in order to be able to  
4 successfully defend against them.

5 I can certainly raise his defense of we provided  
6 all this to the Government. They've received all this  
7 real property or they've seized it, therefore we shouldn't  
8 be in trouble, we should not be held responsible or be  
9 found guilty of obstruction of justice. And the  
10 instruments we filed we believe were correct or valid or  
11 whatever the case may be. He can certainly raise that as  
12 a defense. But that still doesn't speak to each element  
13 the Government has to prove and whether or not he's able  
14 to do that at a trial to cross-examine witnesses  
15 effectively for that purpose.

16 I -- unfortunately, and I mean this with no  
17 disrespect to him, I think what the Court's going to hear  
18 every time a witness gets on the witness stand, I  
19 conditionally accept that you've made this statement to  
20 the jury upon proof that the tender wasn't already  
21 accepted by the plaintiff and therefore this action is  
22 moot and it should be discharged. I don't think a jury is  
23 going to even understand what that means since it doesn't  
24 apply in this courtroom. Nor would any jury instruction  
25 to them explain what that means because it doesn't apply



1 in this courtroom setting. It may not even apply in a  
2 civil setting. But nevertheless, it does not apply to the  
3 elements the Government has to prove on obstruction of  
4 justice, which is the first count.

5 THE COURT: So --

6 MR. BENTON HALL: Excuse me, Your Honor.

7 THE COURT: -- but then --

8 One moment.

9 But then back to the question about being able  
10 to be terminated now at this proceeding until we get to  
11 the next proceeding, I'd like to hear from counsel.

12 MR. WATKINS: Your Honor, if I could just put  
13 one thing on the record? I would at a minimum request  
14 that the Court, I understand we're going to have a Faretta  
15 hearing at another time which considers the right of these  
16 men to represent themselves. The Government would urge,  
17 at a minimum, that these two lawyers remain as standby  
18 counsel. One is we have a discovery order in this case  
19 that Judge Austin put in place early on. You know, they  
20 might choose not to participate in the proceedings. But  
21 as Ms. Salvini has represented, I've turned over thousands  
22 of documents as well as CDs with bank records and recorded  
23 conversations relevant to the case. And for these men to  
24 be able to review those, in light of a proper discovery  
25 order in this case, whether it be Ms. Salvini herself or a

1     paralegal bringing a computer, for example, into the jail  
2     so Mr. Hall could listen to those if he chose, I think  
3     they would be needed for that, Your Honor.

4             And the Government will move in limine at the  
5     appropriate time that these -- while arguably Ms. Salvini  
6     pointed out that Mr. Hall might say, well, I really  
7     believe these fictitious instruments were legitimate, I  
8     disagree with that but that might be a possible defense to  
9     a 514 charge.

10            But this conditional acceptance and tender and  
11     UCC, the Government will move in limine that that's not  
12     part of this case. The Government -- that's not a valid  
13     defense in this case. And frankly, if they're -- intend  
14     to --

15            **THE COURT:** And I will assume -- I assume that  
16     you would do that sooner rather than later.

17            **MR. WATKINS:** Yes, ma'am.

18            **THE COURT:** Okay.

19            **MR. WATKINS:** And you know, frankly, I've got --  
20     I know we're not at the Faretta hearing, but I've got  
21     the -- some recent law from the Fourth Circuit, actually  
22     an August 9, 2013 order that discusses the Government's  
23     interests in ensuring the integrity and efficiency of the  
24     trial at time outweighs the defendant's interest in acting  
25     as his own lawyer. And, of course, it indicates the Court

1 must determine that an assertion of the rights of  
2 self-representation is clear and unequivocal where the  
3 defendant's actions suggest a desire to delay or  
4 manipulate the system more than a desire to represent  
5 one's self.

6 Frankly, Your Honor, what I'm hearing today is  
7 desire to manipulate the system. These contract claims,  
8 and I question -- I just want to put that out there. I  
9 question whether self-representation would indeed be  
10 appropriate in light of the Government's interests in this  
11 claim. I know we're not there today, but I just wanted to  
12 put the Court on notice of that. But, Your Honor, I do  
13 agree counsel is necessary for discovery purposes. And  
14 we'll be ready to go forward at a Faretta hearing on their  
15 representation.

16 **THE COURT:** Okay. And give me the case cite,  
17 please?

18 **MR. WATKINS:** Sure. I'll give you this case if  
19 you'd like, Your Honor. For the record it is United  
20 States vs. Tucker. August 9, 2013. 2013 WL 4034472.  
21 It's a Fourth Circuit case with Judges Traxler, Gregory,  
22 and Thacker ruling.

23 **THE COURT:** Thank you. Okay. All right. So  
24 I'm hearing you to state that allow Mr. Stepp and  
25 Ms. Salvini to remain on as standby counsel until that

1 hearing so that all discovery documents remain in their  
2 possession.

3 MR. WATKINS: Yes, ma'am.

4 THE COURT: Okay.

5 MR. STEPP: Your Honor, may I say something?

6 THE COURT: Yes, Mr. Stepp, I want to hear from  
7 you.

8 MR. STEPP: Regarding Gordon Hall, I mean, I was  
9 not here at their initial appearance. And when the Court  
10 appointed the public defender, my review of the record  
11 indicates that when -- now speaking to the Gordon Hall  
12 situation, when he was brought into court in Arizona on an  
13 initial appearance regarding this charge, I did some  
14 checking into the documents out there. And I believe that  
15 documents were filed with the court in Arizona where he  
16 filed a motion to discharge his court-appointed counsel  
17 there.

18 A motion has been filed here -- immediately, I  
19 believe, if not before he arrived in South Carolina. And  
20 he's filed it several other times since then. He's been  
21 adamant that he did not want services of the  
22 court-appointed counsel. And I would say that I have met  
23 with him and I have tried to tell him that my appointment  
24 comes from the order of the court. And I'm in it until  
25 the Court says I'm not. And I've tried to explain that to

1 him.

2 And hearing what he's said here today about the  
3 issue of him representing himself, he obviously has a  
4 theory of the defense of the case. And that theory may  
5 very well disagree with what I, as a licensed attorney who  
6 has obligations not only to him but as an officer of the  
7 court, we may have different opinions about whether  
8 there's any legal basis that I, as an attorney could  
9 advance those issues. And he -- from what I hear him  
10 saying to the Court today, it sounds like he has his own  
11 theories and that is probably fine. But I don't want to  
12 be stepping on his toes in the courtroom.

13 I would just say, Judge, at some point if the  
14 Court is inclined to let them represent themselves that  
15 our role or my role needs to be defined so that he  
16 understands it and I understand it. Because I'm  
17 concerned, I would just throw this out there, that if I'm  
18 sitting at the table with him as standby counsel, he may  
19 lose the right to have his appearance in front of a jury  
20 be it's him versus the United States or the United States  
21 versus him instead of him having somebody sitting beside  
22 him who that jury doesn't know who that person is, why  
23 they're there, why they're not speaking, and if they are  
24 speaking, what are they talking about. I'm just saying  
25 that, Judge, that he's made it clear I think today and

1 previously that he did not want the services of at least  
2 the public defender. And again, I've got this large --

3 **THE COURT:** When you say a jury not  
4 understanding why they're speaking -- you're assuming that  
5 you would be at counsel table as standby counsel.

6 **MR. STEPP:** And I thought I heard the Court say  
7 that was an option that we would be there.

8 **THE COURT:** But we could work out those  
9 parameters because it may be that you'd be sitting behind  
10 them and not have counsel at table.

11 **MR. STEPP:** And I know there's different ways to  
12 do it. I've been down this road before. And I've sat  
13 outside in the audience and if they want me they can, you  
14 know, talk to me on the break or something.

15 **THE COURT:** I believe that if that were going to  
16 be the case that we would put in an order about what  
17 standby counsel is to do and negotiate the terms of that  
18 agreement as well.

19 **MR. STEPP:** And I would say, just to follow up  
20 on what he said, all of the documents that -- I filed no  
21 documents with the Court. I think the record would show  
22 that any filings have come from Gordon Hall. And he  
23 hasn't consulted me ahead of time. And that's the way he  
24 wants to do it. And that's fine.

25 But it's just -- he has operated on the

1 assumption that I'm not his lawyer. He doesn't want me to  
2 be his lawyer. And he's been very respectful to me in  
3 talking with me, but he's been pretty -- very clear about  
4 that situation.

5 THE COURT: Okay. Here's what I'm going to do now.

6 Madam Clerk, give me what I perceive will be my  
7 calendar so I can look at my next available date for the  
8 Faretta hearing.

9 MR. GORDON HALL: Will we have a chance to speak  
10 before we complete here today, Judge?

11 THE COURT: I'm sorry?

12 MR. GORDON HALL: Will you allow us a chance to  
13 speak?

14 THE COURT: Okay. One moment.

15 Okay. The Faretta hearing in which we will  
16 discuss and inform you of your rights, of your ability to  
17 proceed as counsel and place you under oath at that time  
18 will be October 9 at 2 o'clock.

19 And then, right now I'm going to advise  
20 Mr. Stepp and Ms. Salvini that you will remain on the case  
21 as standby counsel. So you are responsible for holding on  
22 to all of the discovery.

23 I am also going to advise Mr. Gordon Hall and  
24 Mr. Benton Hall that because I have not totally terminated  
25 the representation of Mr. Stepp and Ms. Salvini, there

1 shall be no more filings with the Court until we determine  
2 how you are going to be represented before the Court. I  
3 have, respectfully, voluminous documents indicating what  
4 you believe your position will be and how you wish to  
5 proceed in your defense. You have adequately stated on  
6 the record in your voluminous filings what your intention  
7 is with respect to how you wish to proceed in this  
8 defense. So the Court doesn't need to receive any other  
9 such documents in that regard.

10 I have not terminated this counsel right now.  
11 They are merely serving as standby counsel for the  
12 opportunity for you ask questions of them or correspond  
13 with them as you deem appropriate. Counsel does not have  
14 to confer with you anymore because you've indicated that  
15 you no longer desire for them to represent you. So they  
16 would only be responding to any inquiry or any  
17 communications that you set forth and will hold on to all  
18 the discovery at this point because I do not believe it is  
19 appropriate to turn over that discovery to you at this  
20 time.

21 **MR. GORDON HALL:** I conditionally accept that  
22 offer. And I do appreciate your very kind offer to have a  
23 public benefit. However, said public benefit would  
24 prejudice my right to resolve the matter. And I  
25 conditionally accept again under the previous stated



1 conditional acceptance that this entire hearing today,  
2 including the fact that plaintiff's acceptance of my  
3 tender, our tender which has satisfied and discharged  
4 plaintiff's claim --

5 **THE COURT:** I understand that you are continuing  
6 to assert that position. And I've heard it several times  
7 in the hearing. And it's -- and several times indicated  
8 in your documents. So I don't need to hear that anymore  
9 at this proceeding. I believe you have well protected  
10 your record in that regard by your many filings and then  
11 your many statements on the record for that same type of  
12 defense.

13 So next we will also inform you of what will be  
14 the potential trial date in this matter. So let me hear  
15 issues with respect to their speedy trial.

16 **MR. BENTON HALL:** Excuse me, Your Honor, excuse  
17 me.

18 **THE COURT:** Yes.

19 **MR. BENTON HALL:** As a point of order, are  
20 you -- are you obligating us to perform with standby  
21 counsel? Are you compelling us --

22 **THE COURT:** I have not compelled that yet.  
23 That's the purpose of the October 9 hearing, for me to  
24 determine if I am going to allow you to proceed to  
25 represent yourself. Because you have indicated an intent

1 to terminate Ms. Salvini and Mr. Stepp, I am acknowledging  
2 that that is your desire. And until we resolve whether or  
3 not you are going to proceed on your own, I am telling  
4 them to remain as standby counsel in this case so that  
5 they will hold on to the discovery. They will be there,  
6 available for any questions or to the extent that you wish  
7 to have them assist you in negotiations with the  
8 Government. Should you decide between now and then that  
9 you wish to enter into any type of plea arrangement or  
10 anything else, then they're available to assist you in  
11 that regard with your communications with the Government.

12 Because they are still in the case in a capacity  
13 of standby counsel, there shall be no more filings with  
14 this Court. Because you have adequately and duly informed  
15 the Court of your desire to present these various defenses  
16 with respect to your notices of default, notice of fraud  
17 on the court, conditional acceptance, et cetera. So those  
18 are adequately represented. And you've also adequately  
19 stated that on the record.

20 **MR. GORDON HALL:** Are you denying our right to  
21 make filings in this court case?

22 **THE COURT:** There's no need to make anymore  
23 filings between now and October 9 if they are going to be  
24 of a similar nature is what I'm saying. Those --

25 **MR. GORDON HALL:** I appreciate --

1           **THE COURT:** -- have already been represented in  
2 the record.

3           **MR. GORDON HALL:** So in other words, you are not  
4 denying my right to make filings in this court case? In  
5 this court?

6           **THE COURT:** Well, right now they're -- I have  
7 standby counsel --

8           **MR. GORDON HALL:** Again, standby counsel is  
9 accepted under the previous things. And are you  
10 compelling --

11           **THE COURT:** I understand. But what I'm trying  
12 to prevent right now is that I have not decided that you  
13 can represent yourself right now. And standby counsel is  
14 to be whom you can communicate with if you desire. But  
15 right now, we've already responded to your various  
16 filings. And if all you're going to do is be repetitive  
17 in presenting these types of defenses, you've already  
18 protected your record in that regard. You've protected it  
19 orally here today. You've also given me voluminous  
20 filings indicating your intent to proceed forward with  
21 these defenses. The Court will deal with that at a later  
22 time. But right now I don't need anymore filings in that  
23 regard.

24           **MR. GORDON HALL:** I appreciate that I've been  
25 voluminous in these -- protecting my position in the

1 filings. However, it seems that you're -- the Court  
2 intends to compel a benefit, a public benefit, which will  
3 prejudice my rights. And on that basis --

4 **THE COURT:** I don't understand what you mean by  
5 compel a benefit. We are going to offer you due process  
6 at a later hearing in which I will determine your ability  
7 to proceed for yourself. There will be a formal hearing  
8 that I will deal with.

9 **MR. GORDON HALL:** And you're saying I'm  
10 indicating, Judge, am I not, that you have compelled  
11 standby counsel, which does prejudice my rights to provide  
12 the remedy which has been provided and to accept said  
13 standby counsel, would it not prejudice my remedy?

14 **THE COURT:** No, it's not. Because they are  
15 going to hold on to the discovery in this case until we  
16 make a decision about your ability to proceed on your own.

17 **MR. GORDON HALL:** I don't need -- excuse me,  
18 Judge, thank you. I don't need them to hold on to  
19 discovery from the plaintiff in light of the previous  
20 stated facts. And as you indicated, my continuing  
21 objection, it's not so much objection, my continuing  
22 conditional acceptance and my right to have -- again,  
23 asking, are you suggesting that my right to receive the  
24 benefit of the contract is to be denied?

25 **THE COURT:** I haven't suggested anything. This

1 will be all determined at a later date. That's what I'm  
2 telling you. We're going to proceed with the Faretta  
3 hearing. I've heard all the concerns in that regard so  
4 let's move forward.

5 I need to hear from the Government with respect  
6 to potential trial dates and the speedy trial clock.

7 **MR. WATKINS:** Your Honor, one issue the  
8 Government has, and I have currently some time ago  
9 disclosed to Mr. Stepp and Ms. Salvini notice of expert  
10 testimony that the Government will offer at the trial  
11 dealing with the last counts of the indictment, the  
12 fictitious instruments. That gentleman's name is Bill  
13 Kerr. He's a former officer with the Office of the  
14 Comptroller of the Currency that will testify as to the  
15 invalidity of the instruments that the Halls presented to  
16 the Court.

17 He, Your Honor, has let the Government know that  
18 he has been -- his wife has had an illness and she has  
19 been diagnosed and he had to put back his hip replacement  
20 surgery for early October. Because of the pending medical  
21 proceedings that he's had scheduled, he is not available  
22 to travel to testify until after November 21st of this  
23 year. He indicated that an early December trial date, for  
24 example, would be no problem, if Your Honor has that  
25 available. But he has indicated to me that from

1 November 21 on, he expects to be available.

2 And again, the Government's already given notice  
3 to the defendants through their counsel of this use of  
4 expert testimony. So the Government would respectfully  
5 request that any trial be set so our expert could travel  
6 and testify.

7 **THE COURT:** Okay. I believe that sounds like a  
8 very legitimate reason and for good cause I would continue  
9 this trial until a date in December. Madam Clerk, the  
10 second week in December?

11 **THE CLERK:** The trial would be December 9th  
12 through the 13th. And jury selection would be  
13 November 25th.

14 **THE COURT:** Okay. So if the defendants decide  
15 to not plead, then the trial will be December 9 for that  
16 week, and then longer if necessary. And then jury  
17 selection November 25th.

18 Mr. Stepp?

19 **MR. STEPP:** One thing, Judge. I have a pending  
20 matter in front of Judge Lewis in Spartanburg. A  
21 co-defendant was trying to nail down a set date for trial.  
22 And December came up as the time when he had suggested.  
23 And at the time I last discussed that with him last week  
24 or the week before, and I told him it didn't matter to me.  
25 And I just need to look and see when that is.

1           **THE COURT:** Okay.

2           **MR. STEPP:** I think it may be like the 4th or  
3 5th of December but I'm not really sure. And I'll -- I  
4 can take that up with the clerk.

5           **THE COURT:** Okay. Is that a matter that would  
6 continue for days or just a day or what?

7           **MR. STEPP:** It would probably be two, maybe  
8 three, tops. It is just hard to tell.

9           **THE COURT:** Okay. And we can adjust our date to  
10 begin sometime during that week.

11           **MR. GORDON HALL:** These attorneys have been  
12 terminated, Judge.

13           **THE COURT:** They have not been terminated, they  
14 are standby counsel.

15           **MR. GORDON HALL:** And they have been terminated  
16 as stand -- and let the record show they're terminated as  
17 standby counsel also.

18           **THE COURT:** That is your request. The Court has  
19 not terminated them as standby counsel.

20           **MR. GORDON HALL:** This being my court, then I --  
21 I give notice that they are hereby terminated as standby  
22 counsel.

23           **THE COURT:** That is your request. Okay.

24           **MR. GORDON HALL:** It's not a request. It's an  
25 order.

1           **THE COURT:** We have a schedule. He can be right  
2 now --

3           **MR. GORDON HALL:** I conditionally accept any  
4 standby counsel.

5           **THE COURT:** Okay. I've heard from you. That's  
6 enough. That's enough. I've heard from you.

7           Mr. Stepp, my clerk has checked, and right now  
8 Judge Lewis doesn't have anything scheduled. But that  
9 doesn't mean that she's not waiting to hear from you all.  
10 Okay?

11           **MR. STEPP:** Okay.

12           **THE COURT:** All right. Is there any other  
13 matter for this Court take up today then?

14           **MR. WATKINS:** No, Your Honor. I think that's  
15 all from the Government.

16           **THE COURT:** Okay.

17           **MS. SALVINI:** Your Honor, that's all from  
18 counsel.

19           **MR. GORDON HALL:** We have a comment.

20           **THE COURT:** Anything further, Mr. Stepp?

21           **MR. STEPP:** Judge, Gordon Hall has made it  
22 abundantly clear that he, obviously, doesn't wish for me  
23 to be in the case. And I understand that's the Court's  
24 ultimate decision. So I do not intend to file any  
25 documents on his behalf because that is -- he has not



1 asked me to, he doesn't want me to. He's stated that, so  
2 I do not intend to file.

3 **THE COURT:** I don't expect that standby counsel  
4 will be filing any documents between now and the October 9  
5 hearing. You're simply to hold on to that discovery, be  
6 available should they desire to consult with you, should  
7 they desire to seek your assistance for entering into any  
8 plea negotiations. But I expect that any communications  
9 from this point forward would come from them to you. You  
10 would not need to communicate further with them, because  
11 they have indicated their desire to terminate counsel.  
12 Right now I'm just trying to keep everything in that  
13 status quo eventually until we can come to the Faretta  
14 hearing.

15 **MR. STEPP:** Thank you. I appreciate the  
16 clarification.

17 **THE COURT:** Sure.

18 **MR. BENTON HALL:** Let the record show that as a  
19 point of order, that standby counsel is terminated and  
20 that the plaintiff has not given just reason as to their  
21 acceptance of the tender and why they haven't fulfilled on  
22 their obligations thereto with respect to the contract and  
23 record made manifest before this Court and there being no  
24 record in opposition to that record in my authorization to  
25 authorize the defendant to plea and discharge doesn't make

1 any future hearings moot, and that I don't now move this  
2 Court to issue a final judgment in default order in  
3 accordance with the record thereto.

4 **THE COURT:** The Court will take up any of these  
5 substantive matters with respect to whether or not your  
6 indictments will be dismissed at a later date.

7 **MR. BENTON HALL:** I didn't come here for that.  
8 I came here for the plaintiff to appear and show cause why  
9 they're just --

10 **THE COURT:** But that is not what the Court set  
11 this proceeding for. That will be dealt with at a later  
12 date. Court is adjourned.

13 **MR. WATKINS:** Thank you, Your Honor.

14 \* \* \*

15 I certify that the foregoing is a correct transcript from  
16 the record of proceedings in the above-entitled matter.

17  
18 s/Karen E. Martin

9/29/2013

19 \_\_\_\_\_  
Karen E. Martin, RMR, CRR

Date \_\_\_\_\_

20  
21  
22  
23  
24  
25  
  
Karen E. Martin, RMR, CRR  
US District Court  
District of South Carolina